

**Draft MEETING MINUTES
CITY OF MILPITAS**

Minutes of: Regular Meeting of Milpitas City Council
Date: Tuesday, May 3, 2016
Time: 6:00 PM Closed Session / 7:00 PM Open Session
Location: Council Chambers, Milpitas City Hall,
455 East Calaveras Blvd., Milpitas

CALL TO ORDER

Mayor Esteves called the meeting to order at 6:00 PM. City Clerk noted the roll.

PRESENT: Mayor Esteves, Vice Mayor Montano, Councilmembers Barbadillo, Giordano and Grilli

ABSENT: None. Councilmember Barbadillo excused himself due to possible conflict of interest for Public Hearing items, and departed the meeting and was absent for agenda item No. 5.

CLOSED SESSION

City Council convened in Closed Session to discuss two litigation cases and one item regarding labor negotiations.

City Council then convened at the dais for the Open Session at 7:13 PM.

ANNOUNCEMENT

Out of Closed Session, City Attorney Chris Diaz reported that the Council did discuss the initiation of litigation.

PLEDGE

Boy Scouts Troop No. 92 led the pledge of allegiance.

INVOCATION

Mayor Esteves provided his own prayer from the dais to start the meeting.

MEETING MINUTES

Motion: to approve the minutes of April 19, 2016 City Council meeting

Motion/Second: Councilmember Giordano/Councilmember Barbadillo

Motion carried by a vote of: AYES: 5
NOES: 0

SCHEDULE OF MEETINGS

Motion: to approve Council Calendar/Schedule of Meetings for May 2016

Motion/Second: Councilmember Giordano/Councilmember Grilli

Motion carried by a vote of: AYES: 5
NOES: 0

PRESENTATIONS

Mayor Esteves issued the following:

- Proclaimed May as *Mental Health Month*. It was accepted by Gail Price, Chair of the Behavioral Health Board of Santa Clara County in Palo Alto.
- Proclaimed May as *Older Americans Month*. It was accepted by Senior Advisory Commission Chair Barbara Ebright accompanied by several Commissioners.
- Proclaimed May as *Building & Safety Month* and it was accepted by Building Department staff Cindy Ingram along with three Building Inspectors.
- Proclaimed *Public Service Recognition Week* for week of May 1 - 7, 2016, accepted by Human Resources Director Tina Murphy and several City employees.

PUBLIC FORUM

A man, Milpitas resident, addressed an article in the newspaper about Republic Services seeking to put on the ballot a measure regarding garbage services. He felt “dirty politics” was involved, and that all should respect the decision by the City Council of awarding a solid waste disposal contract to Waste Management.

Martin Skelson, Milpitas resident, asked – in response to his issue brought up last time about wood posts – if that was corrected or not. He urged City to not buy untreated wood posts.

Robert Marini, Milpitas resident, spoke of a loss of 11% of water in a planning report and so residents were losing water that they were charged for. Leaky pipes must be repaired. He sought to have Council change the priorities and use of the irrigation water. .

Voltaire Montemayor, Milpitas resident, was proud of this City. He expressed support for several of the proclamations the Mayor issued at this meeting.

Lekha Shankla, Milpitas resident, spoke out against a letter she got from the City about a non-operational vehicle (Camaro) in her driveway. She got some neighbors on her street to sign a paper of support for her family.

A young woman, daughter of Ms. Shankla, talked about the Camaro car that her father got when he left the military. She hoped to drive that car, later, when the family got it working again when they could afford it.

Councilmember Giordano remarked on a past request to the City Attorney to research the matter. City Attorney Diaz replied that the current ordinance had no exemption, no appeal process, with the next step to have a hearing before the City Council.

Rob Means, Milpitas resident, showed a video regarding climate change.

Tom Valore, Milpitas resident, watched a TV show each Sunday morning where the issue was raised recently, similar to one that was discussed at a Council meeting recently. The topic was homelessness, which was nearly solved in the state of Utah and a few other places in U.S.

Michael Tsai, Milpitas resident, supported the first speaker about the odor, garbage dump, and fighting what he termed “the monster.”

A woman said Milpitas mostly had two problems, one was the odor. There was a need to resolve this problem. The other one was the massive development going on in the City, resulting in overcrowded schools. There was a need for another high school and middle school.

ANNOUNCEMENTS

City Manager Tom Williams announced the Recreation Services event to unveil the swimming pools after major renovations, at 6:30 PM the next evening May 4, at Milpitas Sports Center with a free showing of the film “Finding Nemo” to celebrate the re-opening.

ANNOUNCEMENT OF CONFLICT OF INTEREST AND CAMPAIGN CONTRIBUTIONS

City Attorney Diaz asked Councilmembers if they had any personal conflicts of interest or reportable campaign contributions. No contributions were reported.

Mr. Diaz responded that Councilmember Barbadillo’s office was in close proximity to matters regarding agenda items No. 1 and No. 2. Councilmember Grilli would abstain on consent item No. 13 because she was a member of Kiwanis Club.

Councilmember Giordano asked if Vice Mayor Montano would have any conflict on the campaign finance report. City Attorney Diaz replied, no, not to simply hear the report. Until any direction was given, it ok for her participation.

APPROVAL OF AGENDA

Motion: to approve the meeting agenda, as amended

City Manager Tow Williams announced, that at request of school district, item no. 4 on MUSD enrollment report would be continued to the next meeting on May 17.

Staff made a request to remove agenda item no. 20 (SVRIA agreement) and would return to the Council when the agreement was completely ready.

Motion/Second: Vice Mayor Montano/Councilmember Giordano

Motion carried by a vote of: AYES: 5
NOES: 0

CONSENT CALENDAR

Motion: to approve the Consent Calendar (items noted with *asterisk), as submitted

Motion/Second: Councilmember Giordano/Vice Mayor Montano

Motion carried by a vote of: AYES: 5
NOES: 0

* 3. Odor Report Received the update of the Odor Control Report.

* 8. Commission Appointments Approved these appointments:

Economic Development Commission: re-appointed Robert Nuñez as the representative of the Milpitas Unified School Board to a term that expires in April of 2019.

Veterans Commission: newly appointed John Schmidt as Alternate No. 2 to a term that will expire in February of 2019.

*10. Age Friendly City Approved the recommendation of the Senior Advisory Commission to work with County of Santa Clara to pursue required efforts for the City of Milpitas to become an "Age Friendly City." Direct staff to form an Age Friendly Task Force toward that goal.

*11. Investment Status Report Received the investment report for the quarter ended March 31, 2016

*12. Accept Grant from NFL Accepted the NFL Play 60 After-School Kickoff Grant from the National Football League in the amount of \$7,500 and approve a budget appropriation for Recreation Services.

*13. Waive Fees for Kiwanis Approved the request from Kiwanis Club and approved fee waiver of \$1,500 for the cost of the Community Center rental for the Building Peaceful Families event on June 5, 2016.

4 AYES and 1 ABSTAIN (Grilli)

*14. Resolution Adopted Resolution No. 8538 resolution directing the preparation of the Annual Engineer's Report for LLMD No. 95-1 at McCarthy Ranch.

*15. Resolution Adopted Resolution No. 8539 directing the preparation of the Annual Engineer's Report for LLMD No. 98-1 at Sinclair Horizon

*16. Resolution Adopted Resolution No. 8540 requesting allocation of Transportation Development Act, Article 3 Funds for Americans with Disabilities Act Curb Ramp Transition Program 2016.

*17. Amendment to Agreement with County for HHW Authorized the City Manager to execute Amendment No. 1 to the Agreement with Santa Clara County for the Countywide Household Hazardous Waste Collection Program with an additional \$5,000 budget for Milpitas residents.

*18. Amendment to Agreement with Alpine Awards Approved Amendment No. 2 to the Agreement with Alpine Awards extending it by one year for clothing requirements for the Recreation Services Department and increase the agreement amount by \$10,560 for a total five years not-to-exceed \$49,280.

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| *19. Amendment to Agreement with Invoice Cloud Inc. | Approved Amendment No. 1 to the Agreement with Invoice Cloud, Inc. for Electronic Bill Presentment and Utility Bill Payment Services increasing it by \$51,260 for a total 6-year amount not-to-exceed \$147,260. |
| *20. SVRIA agreement | This item was removed from the agenda. |
| *21. Amendment to Agreement with CSG | Approved Amendment No. 1 to the Agreement with CSG Consultants, Inc. for staff augmentation services for the Capital Improvement Program for an annual amount not-to-exceed \$160,000. |
| *22. Payment to Preston Pipelines | Authorized payment of an invoice in the amount of \$9,189.19 to Preston Pipelines from the Facility Maintenance Repair and Maintenance operating budget for emergency repair in February 2016 of the natural gas supply line for the Public Works warehouse building. |

PUBLIC HEARINGS

1. Centre Pointe Project

Contract Planner Lisa Costa-Sanders presented the overview of the development proposal for 1500-1646 Centre Pointe Drive for a mixed use project.

Councilmember Giordano asked about the Planning Commission's vote on the project. Staff said the Commission was supportive and recommended that Council approve it.

Mayor Esteves asked about green space, and where it was specifically (looking at the project design overhead). It was mixed within the property, not a distinct park. The Mayor also inquired about the 90 trees to be removed, and the plan was for replacement. Planning Director Bill Ekern explained how the City's current code was applied to tree removal and replacement.

The applicant was invited to speak next. Mr. Marshall from Summerhill Housing Group, addressed the City Council along with his commercial partner and architect.

Architect Sarah Fernandez presented details of the site design, with graphics of the apartment homes in the TASP area near the new BART station in Milpitas. Deviation from the maximum lot size was sought as the one exception to TASP requirements. The developer further highlighted features of the project including LEED silver designation for commercial buildings along with green building features like solar ready roofs and electric vehicle charging stations. He displayed a list of project benefits.

Vice Mayor Montano inquired about the funds to be provided to the Community Facilities District annually. There was further discussion about the commitment from the developer to provide additionally \$100,000 for "community benefit."

Councilmember Grilli asked about timeframe of 6–8 years to complete the project. The applicant said it would be constructed in two phases, the first one by 2019, and the second portion by 2021 or 2022. The latter would take longer, due to a current lease on that property that is still current for a few years.

Vice Mayor Montano asked about crosswalks and safe passage throughout the project and its link to Great Mall and BART station.

At 8:59 PM, the Mayor opened the public hearing for speakers from the audience.

A man, a Milpitas resident, mentioned the jobs/housing imbalance. Nearby cities had much new commercial space while Milpitas had none in the past several years. There was horrible traffic now on Montague. He opposed this development and more new housing getting built.

Councilmember Giordano responded to him with past history and the balance of jobs and housing starting to happen.

Alexandria Felton, from Silicon Valley Leadership Group (SVLG), said her organization supported this proposed new homes project in Milpitas. More quality housing was sorely needed throughout the South Bay.

Mayor Esteves sought support from the SVLG for the Montague widening project, which was very necessary. The staff member said she would bring that comment back.

Michael Tsai, a Milpitas resident, addressed the widening of Montague, which was really necessary now. It was a nightmare going east in the afternoon on 237. Transit and development were both needed at this time to get a more balanced house to jobs ratio.

Arswan, a Milpitas resident, was working on water sub-metering for multi-unit apartment developments. He was studying conservation methods. He wondered if that approach was required for such units in Milpitas. The City Engineer would respond to him.

Rob Means, 1421 Yellowstone resident, felt there was a lot to like about this project, but it did not include any affordable housing. He supported PRT in the area where traffic was bad, and traffic congestion for residents needed to be alleviated. Also, covers on swimming pools should be required in this drought-prone area.

Robert Marini, a Milpitas resident, remarked on increasing the number of units in the City, resulting in more demand for water by adding more residents,

Voltaire Montemayor, Milpitas resident, said this would be really attractive adding to the City. Watch closely the plan for schools, need for hospital, watch the hills, concern for traffic at rush hour. He agreed with the development.

Motion: to close the hearing following comments from public speakers

Motion/Second: Vice Mayor Montano/Councilmember Grilli

Motion carried by a vote of: AYES: 4
NOES: 0
ABSENT: 1 (Barbadillo)

Vice Mayor Montano asked about solar ready panels and why those would not be installed (instead of just “ready”). The representative from Summerhill Homes replied that the company was following current building standards.

The Vice Mayor asked Bill Ekern about requiring affordable housing units in the new developments. Staff responded that this development was in the pipeline already (prior to adopted new ordinance). She asked about nexus study and when it would be done.

For clarity, City Attorney Diaz quoted the Milpitas Municipal Code and provided the regulations on removal of trees, and any requirement for compensation that would be necessary, for replacement or money, to be determined by the Public Works Department.

Vice Mayor Montano said there was a problem with trees getting chopped down without any notice to Council. She referred to one large oak tree that was removed at Montague and Milpitas Blvd. She felt there should be a procedure in place.

Councilmember Giordano said there may be a need to update the City’s tree inventory. In past times, such plan was reviewed by the neighborhood. A comprehensive report was needed to City Council, to revisit it and the current ordinance.

Councilmember Grilli was impressed with the project as a quality housing development for the City in the TASP area.

Motion: to adopt Resolution No. 8537 approving Site Development Permit, Conditional Use Permit, Vesting Tentative Map and approving exceptions to Milpitas Municipal Code Section VII-6-5.00 regarding Supplemental Water Use Restrictions for the mixed use project at 1500-1646 Centre Pointe Drive in Milpitas, per CEQA Guidelines; and, also including one additional Condition of Approval No. 74 regarding added public benefit by the developer donating \$100,000 to the City

Mayor Esteves commented this was a good project, but it could be enhanced in the future with additional community benefits. For example, add affordable homes to the total. He asked the developer to work with an arborist on the plan for new trees to be added, once the older ones were removed.

Vice Mayor Montano felt this was a good project, and supported it, as close to BART.

Motion/Second: Councilmember Giordano/Councilmember Grilli

AYES: 4
NOES: 0
ABSENT: 1 (Barbadillo)

The Mayor announced that the City Council would take a break at 9:41 PM. All members left the dais then for the break and reconvened at 9:51 PM.

Councilmember Giordano then requested to move to the next Council meeting, three agenda items still remaining: No. 6 on campaign finance reform, No. 7 on the minimum wage study, and No. 9 performing arts center letter.

She moved the above as her motion, and it was seconded by Councilmember Grilli. This was approved unanimously, with Councilmember Barbadillo absent.

2. 720 Montague Parkway project

Contract Planner Lisa Costa-Sanders outlined and displayed the site plan for another new TASP project at the 720 Montague Parkway, for a mixed use development with 216 housing units to be built.

The Mayor requested more information about open space within the project plan, where no one park was proposed just private open space. He asked about park in lieu fees and Planning Director Bill Ekern explained about the plan to allow tandem parking, and the push to get residents to use alternative transportation methods (bus, BART, light rail, fewer cars) in this dense section of the City built next to BART.

Mayor Esteves asked a lot of questions about tree replacement ratio and the City's policy with regard to trees, and also about public benefit of this project.

Richard Tso, the project applicant, was invited to speak next. The Mayor asked him for the public benefits of this project, and he mentioned several features that provided benefit.

Next, Mayor Esteves opened the public hearing at 10:18 PM.

Robert Marini, a Milpitas resident, said with new 216 units along with the prior project would add 45 million gallons of water needed. The project would increase the traffic more. Units were not for low income families.

Voltaire Montemayor, a Milpitas resident, was in favor of the project at a good location in the City. It was close to transit including BART and not far from the Kaiser hospital.

Tom Valore, a Milpitas resident, noted the Council was waiving the water urgency ordinance each and every time a new development came before them. Why have that ordinance, if it's always getting waived, he wondered. The City Manager responded.

Motion: to close the public hearing following testimony from three speakers

Motion/Second: Councilmember Giordano/Mayor Esteves

Motion carried by a vote of: AYES: 4
NOES: 0
ABSENT: 1 (Barbadillo)

Vice Mayor Montano was concerned a lot of people were going to park at the Great Mall, rather than at the new development if there were not enough spaces. She understood development near BART but acknowledged it would be hard to get people out of their cars. She was not impressed with the architecture, no character to it.

The project architect came forward to explain the tandem parking design on the second level of the parking garage. She replied to the Vice Mayor that there would be elevator in the building.

Mayor Esteves said he was not happy with the flow and would not vote in favor. He did not like the tandem parking, stating it did not work successfully where he had been. He wanted to study the project overall more and said the plan for trees should go to the arborist.

Councilmember Giordano said she supported this project.

Motion: to adopt a Resolution approving the project at 720 Montague

The City Attorney recommended two amendments to add to the Conditions of Approval: (language that HOA shall ensure that parking spaces were used as intended; and, on No. 59, swimming pool/spa shall not be filled until such time as authorized by the City).

Vice Mayor Montano stated she was not really fond of the architecture. She did not know people could use the BART garage for parking when they lived next to it. That was not why the parking garage was being built.

Motion/Second: Councilmember Giordano/Councilmember Grilli

Motion failed by the following vote: AYES: 2
NOES: 2 (Esteves, Montano)
ABSENT: 1 (Barbadillo)

UNFINISHED BUSINESS

4. Report on MUSD Enrollment Continued this item to next meeting date.

5. Preferred Concept Plan
McCandless Park Recreation Services Manager Renee Lorentzen introduced park consultant Scott Foyer of Environmental Foresight, whose firm had prepared the design for the new McCandless Park site in the TASP area. He described various outreach efforts conducted with the community to create the concept design. He displayed several potential designs, and finally displayed the preferred one with all the amenities laid out.

Mayor Esteves said he had a vision of a park with fields for games. He asked about the volleyball court. The consultant showed soccer fields and basketball courts for shared use with schools. This was not a place for a dog park, he believed, and did not want loose dogs that bite kids or other problems. The Mayor preferred a tennis court in the middle, not dog area. It was not a place for the community garden (21 plots).

Councilmember Grilli really liked that the plan incorporated art on the walls, a good feature. With joint use with schools, that's great for most use of playing space. Tennis courts would take up a lot of space, while there were courts in other nearby parks. She

knew residents were in fact looking for space to bring dogs, so there was a real need.

Councilmember Giordano liked this design a lot.

Vice Mayor Montano did not see cricket fields on the design while there was a great need in the City with more Indian residents in that area. Recreation Services Manager Renee Lorentzen identified two other locations where cricket pitches were planned. The trail along the creek was good for walking while the dog park area was way too big, she felt.

Public Works Director Nina Hawk commented on efforts to maintain parks where dogs visit with owners. Cleaning efforts were made and notices were posted for owners to abide by.

Councilmember Grilli responded that this was something that the residents asked for, so she supported this amenity at the McCandless Park.

Vice Mayor Montano would rather not have a dog park at this site and she preferred just open space in the corner of the park.

Mayor Esteves asked for a timetable for the park. The City Manager replied that the City was waiting for the school district to finish some parts of construction of a new school, before moving along with the park construction and final design. He guessed the goal for the park would be in September 2018 or later.

Mayor Esteves asked for clarification on joint use and the ownership of various sections of this new park, in relationship with the MUSD. The City Manager replied that an agreement was being worked out with school district now.

Vice Mayor Montano asked who would be responsible for maintaining the garden and dog park. Ms. Lorentzen replied that City staff would. The City Manager explained use of CFD fees to cover costs for maintaining the new park.

Councilmember Giordano suggested to boot out to the next meeting this park concept, and to then get direction of the full Council (whereas Mr. Barbadillo was absent at this time).

Vice Mayor Montano asked - next to the dog park space - what else could fit in there. The consultant replied: a tennis court would be difficult, more volleyball courts might fit, and more open space/lawn. It was not big enough for a large field.

Next, Mayor Esteves asked for input from the audience.

Voltaire Montemayor, Milpitas resident, liked this proposed park to improve Milpitas.

Tom Valore, Milpitas resident, felt this was a very attractive park. He would love it in his neighborhood. He wanted to know if other City parks could get upgraded to this current, new one.

The Mayor stated the park was a necessity for the area. He asked staff to come back with a timetable, with specific dates, and to monitor it.

Motion: to move this topic to a future Council meeting when there was a full City Council (for any specific recommendation), to seek more input from the community about the park amenities and then to return to the Council after the concept plan was reviewed

Motion/Second: Councilmember Giordano/Councilmember Grilli

Motion was approved by vote of:

AYES: 4
NOES: 0
ABSENT: 1 (Barbadillo)

6. Campaign Finance Reform Continued this item to next meeting date.
7. Minimum Wage Study Continued this item to next meeting date.

REPORT

9. Letter – Performing Arts site Continued this item to next meeting date.

ADJOURNMENT The City Council meeting was adjourned at 11:32 PM.

*Meeting minutes respectfully submitted by
Mary Lavelle, City Clerk*